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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,401	12/12/2003	Yu Zheng	PAT-1486CIP2	2110
7590 02/19/2008				
Raymond Sun Law Offices of Raymond Sun 12420 Woodhall Way Tustin, CA 92782			EXAMINER YIP, WINNIE S	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 02/19/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/735,401

**Applicant(s)**

ZHENG, YU

**Examiner**

Winnie Yip

**Art Unit**

3636

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20, 21, 23-28 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-21, 23-28, 34-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date 12/10/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This office action is in response to applicant's amendment filed on December 10, 2007.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Objections***

1. Claim 34 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form.

As better understood, claim 34 has been treated on the merits as depending to "claim 28"

#### ***Double Patenting***

2. Claims 20-21, 23-28, 34-41 stand provisionally rejected on the ground of nonstatutory obviousness- type double patenting as being unpatentable over claims 1-2, 6-8, and 12 of copending Application No. **10/665,194**, and over claims 1-24 of U.S. Patent No. **6,901,940** for the same reasons set forth last office action.

#### ***Claim Rejections - 35 USC § 103***

3. Claims 20-21, 24-28, and 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw '437 in view of Wyllie (US Patent No. 2,854,049) and further in view of Wang (US Patent No. 6,783,016).

Shaw et al. teaches a collapsible container comprising: a circular wall panel (12) having a top portion and bottom portion, a tubular floating member (15) disposed at the top portion of the wall panel, a base panel (11) defining a periphery, the bottom of the wall panel coupled to the periphery of the base panel, the base panel (11) and the wall panel (12) are made of sheets of waterproof material/liquid impermeable material (col. 3, lines 21-24), the lower edge of the wall panel (12) is attached to the periphery of the base panel by any known manner such as by heat seal or stitching such that the wall panel and the base panel define an interior space configured to receive a fluid (see col. 3, lines 25-30), a liner member (16) being attached to the wall panel (12) and the base panel (11) to form a sleeve between the liner member and the bottom portion of the wall panel or the periphery of the base panel by suitable fasteners, a collapsible frame member (14) being made of a continuous loop of composed of flexible resilient material having a folded and unfolded configuration, the collapsible frame member (14) being retained in the sleeve. which is coupled to the bottom portion of the wall panel (12) and the periphery of the base panel by stitching (see Fig. 3) as claimed such that the floating member (15) acts to raise wall panel (12) as liquid fills the interior of the container. Although, Shaw does not define the tubular floating member (15) being an inflatable tube having inflated configuration and a deflated configuration. Wyllie teaches a collapsible liquid container comprising a wall panel (8), a base panel (2), and an inflatable tube (10) formed at a top portion of the wall panel, the inflatable tube (10) being inflated through inflation valves (see col. 2, lines 9-10) such that the inflatable tube raises the wall panel when the liquid filling up the interior space of the container. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the collapsible container of Shaw et al. having the tube disposed on the top portion of the wall panel

being formed with inflation valves as taught by Wyllie instead of a inserted floating member such that the tube can be inflated and deflated for easily collapsing the container into a small configuration for storage and placing the container in opening position. Further, although Shaw does not define the base panel having a sleeve formed from a separated sleeve material, Shaw discloses that the base panel having the collapsible frame member being attached to the perimeter of the base panel by any known manner such as by stitching (see col. 3, lines 25-30). And, Wang teaches a container having a base panel formed by a loop of composed frame member (14) which is retained by a sleeve formed by a separated sleeve material connected to a base panel (18) and a wall panel (16) by a common stitch as a known method for easily attaching a base panel with a wall panel. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the apparatus of Shaw as modified by Wyllie having the collapsible frame member of base panel being disposed within a sleeve formed by a separated sleeve material attached to the base panel and wall panel by a common stitch as taught by Wang form easily attaching the base panel to the wall panel.

Regard to claims 21 and 35, Shaw as combined with Wyllie and Wang is considered to have the container being capably configured as a "pool" as claimed. Notice, the "pool" is only a name of intended to be use and does not give a lot of patentability weight there on.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw '437 as modified by Wyllie '049 and Wang '016 as applied to claim 20 above, and further in view of Ivanovich et al. (US Patent No. 5,163,461).

The claim is considered to meet by Shaw as modified by Wyille and Wang as explained and above rejections except that Shaw and Wyille and Wang do not define the collapsible frame member having two ends being coupled together by a connector to form a continuous loop as claimed. Ivanovich et al. teaches a collapsible structure comprising a plurality of collapsible frame members each having ends being coupled together by a connector (51 or 54 or 52), as known in the art, to form a continuous loops of frame member which can be folded and unfolded. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the collapsible container of Shaw combined by Wyille and Wang having the collapsible frame member having ends being coupled together by a connector as taught by Ivanovich et al. as a obvious coupling mechanism for forming a continuous loop of frame member to be retained inside of the sleeve for holding and retaining the panels of the container in an unfolded position and can be folded into a storage position.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 20-39 under U.S.C. 102/103, and specifically to the feature of that "the sleeve is formed by a sleeve material separated from the base panel and the wall base by a common stitch" has been considered. This feature was not specifically and previously claimed. Therefore, this argument is deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Winnie Yip/  
Primary Examiner,  
Art Unit 3636

Art Unit: 3636

wsy

February 5, 2008